

REMARKS

Applicant appreciates the time taken by the Examiner to review Applicant's present application. Applicant has amended Claims 1-15 and 17 and added Claims 18-20. Applicant submits that no new matter has been added. Thus, Claims 1-20 are pending. This application has been carefully reviewed in light of the Official Action mailed November 12, 2008. Applicant respectfully requests reconsideration and favorable action in this case.

Amendments to the Claims

Claim 1 has been mainly amended as follows:

It has been clarified that the subject of processing is a CPU, and transmission and reception of data is executed using a memory.

Further, the following limitations i) to vii) have been added to Claim 1:

i) The limitation "causing the CPU to store data on an object represented by a plurality of polygons in the memory." This limitation is supported at least by the US publication (US 2008/0186310 A1) of the present application, paragraphs [0059] and [0060].

ii) The limitation "causing the CPU to determine whether the region includes a second triangular-shaped polygon or not, the second triangular-shaped polygon being one of the plurality of polygons." This limitation is supported at least by US 2008/0186310 A1, paragraph [0107].

iii) The limitation "in a case where the region includes the second triangular-shaped polygon, causing the CPU to determine whether a second distance from the lattice point to the second triangular-shaped polygon is measured or not, the second triangular-shaped polygon being included in the object." This limitation is supported at least by US 2008/0186310 A1, paragraph [0108].

iv) The limitation "in a case where the second distance is measured and the first distance differs from the second distance, causing the CPU to select smaller one of the first and second distances." This limitation is supported at least by US 2008/0186310 A1, paragraph [0109].

v) The limitation "in a case where the second distance is measured and the first distance is same as the second distance, causing the CPU to compare a first displacement between a first projection point of the lattice point on a first X-Y plane and a nearest lattice point with a second displacement between a second projection point of the lattice point on a second X-Y plane and a nearest lattice point, the first X-Y plane being a coordinate including a plane of the first triangular-shaped polygon, the second X-Y plane being a coordinate including a plane of the second triangular-shaped polygon." This limitation is supported at least by US 2008/0186310 AI, paragraphs [0110] to [0112].

vi) The limitation "causing the CPU to select one of the first and second distance based on a comparison result between the first and second displacements." This limitation is supported at least by US 2008/0186310 AI, paragraph [0113].

vii) The limitation "causing the CPU to output the drawn graphic figure as the data on the object." This limitation is supported at least by US 2008/0186310 AI, paragraph (0080).

With respect to Claims 2-6, these claims have been amended in accordance with amended claim 1.

With respect to Claims 7-17, these claims have been amended in accordance with claims 1-6.

New claims 18-20 have been prepared. These claims are supported at least by US 2008/0186310 AI, paragraph [0113].

Rejections under 35 U.S.C. § 101

Claims 1-6 are rejected under 35 U.S.C. §101 as not falling within one of the four statutory categories of the invention. Claims 7-12 are rejected under 35 U.S.C. §101 because the claimed invention is directed towards non-statutory subject matter.

Amended Claim 1 is directed to a computer provided with a CPU and a memory. Further, in amended Claim 1, data on an object represented by polygons is transformed into graphic data on the basis of selected one of the first and second distances (that is, data on the object represented by implicit-function). Therefore, the method recited in amended Claims 1-6 is regarded as a statutory "method" under 35 U.S.C. 101.

Amended Claim 7 recites a functional descriptive material recorded on a product. Namely, the means recited in amended Claim 7 causes functional changes in the computer. Therefore, amended Claim 7 is a statutory.

Applicant respectfully submits that the amendments to these claims render these rejections moot. Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. §§ 102, 103

Claims 1, 3, 5-9, 11-13, 15 and 17 stand rejected as anticipated by U.S. Publication No. 2008/0074419 ("Museth"). Claims 2, 4, 8, 10, 14, and 16 are rejected as obvious over U.S. Publication No. 2008/0074419 ("Museth"). Applicant respectfully traverses these rejections.

More specifically, Applicant respectfully submits that Museth does not disclose all the limitations of independent Claims 1, 7 and 13, including at least newly added limitations i) to vii) as discussed above. Therefore, Applicant respectfully submits that independent Claims 1, 7 and 13 differ from Museth and are not obvious over the same. Accordingly, withdrawal of this rejection and full allowance of Claims 1-20 is respectfully requested.

Conclusion

Applicant has now made an earnest attempt to place this case in condition for allowance. Other than as explicitly set forth above, this reply does not include an acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 1-20. The Examiner is invited to telephone the undersigned at the number listed below for prompt action in the event any issues remain.

An extension of 1 month is requested and a Notification of Extension of Time Under 37 C.F.R. § 1.136 with the appropriate fee is enclosed herewith.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,

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